

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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STANISLAW KOPEC, GUILLERMO VIRI,  
LUIS LANDI, NELSON VIRI (individually  
and on behalf of all others similarly  
situated),

*Plaintiffs,*

-against-

GMG CONSTRUCTION, MAIUSZ GIZA, and  
GRZEGORZ GIZA,

*Defendants.*

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**MATSUMOTO, United States District Judge:**

Plaintiffs Stanislaw Kopec, Guillermo Viri, Luis Landi, and Nelson Viri, individually and on behalf of all others similarly situated (together, "plaintiffs"), commenced the instant action against GMG Construction, Maiusz Giza, and Grzegorz Giza (together, "defendants"), alleging violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201 et. seq. and various New York State labor laws. (See ECF No. 1, Complaint.) After defendants failed to appear, the court noted their default. (ECF No. 11, Clerk's Entry of Default.) Plaintiffs moved for default judgment and this court referred the motion to Magistrate Judge Andrew L. Carter for a report and recommendation ("Report and Recommendation" or "R&R") pursuant to this court's authority under 28 U.S.C. § 636(b). (ECF No. 9, Mot. for Entry of Default, ECF No. 16, Mot. for Default Judgment, ECF

**NOT FOR PUBLICATION**

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

09-CV-2187 (KAM)(ALC)

No. 15, Aff. in Response to Order to Show Cause, Order Referring Motion dated 4/5/10.)

Now before the court is Magistrate Judge Carter's September 10, 2010 R&R recommending that the court grant plaintiffs' request for a default judgment against all defendants and award damages, attorney's fees, and costs in the specified amounts. (See ECF No. 19, R&R dated 9/10/10.) Notice of Judge Carter' Report was sent electronically via the court's electronic filing system to all parties on September 10, 2010. The Report and Recommendation also directed plaintiffs' counsel to serve a copy of the Report and Recommendation by overnight mail upon defendants and to file proof of such service, and the plaintiffs' counsel has complied. (R&R at 13, ECF No. 20, Certificate of Service dated 9/13/10.)

The Report and Recommendation notified the parties of the right to file written objections within fourteen (14) days of its receipt, or by September 27, 2010. (See R&R at 13.) The period for filing objections for all parties has now expired, and no objections to the Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where, as here, no objection to the Report and Recommendation has been filed, the district court

"need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quotation omitted).

Upon a careful review of the record and Magistrate Judge Carter's thorough and well-reasoned Report and Recommendation, the court finds no clear error and hereby affirms adopts the Report and Recommendation in its entirety as the opinion of the court.

Accordingly, the plaintiffs' motion for default judgment is granted against all defendants, and total damages for plaintiffs in the amount of \$213,002.42 are awarded as follows:

- Stanislaw Kopec: \$20,937.48
- Guillermo Viri: \$43,004.84
- Luis Landi: \$22,397.48
- Nelson Viri: \$7,226.16
- Rigoberto Landi: \$36,612.40
- Segundo Quizphi: \$20,299.43
- Witkowski Pawet: \$7,836.31
- Czech Jerzy: \$5,186.55
- Manuel Taza: \$42,066.77
- Attorneys fees and costs: \$7,435.00

Counsel for plaintiffs shall serve a copy of this Order upon all defendants by certified mail, and file proof of service via ECF, on or before October 1, 2010. The Clerk of the Court is respectfully requested to enter judgment in accordance with this

order and to close this case.

**SO ORDERED.**

Dated: September 30, 2010  
Brooklyn, New York

\_\_\_\_\_/s/  
**Kiyo A. Matsumoto**  
United States District Judge